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HB 2109 Relating to Endangered Species

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This bill provides for amendments to Section 195D-9 of the Hawaii Revised Statutes Endangered Species Act. These amendments would allow citizens suits against any person or government agency alleged to be in violation of the Endangered Species Act.

Our statement on this bill does not represent an institutional position of the University of Hawaii.

HB 2109 finds precedent in the Federal Endangered Species Act which allows that

"...any person may commence a civil suit on his own behalf --

(A) to enjoin any person, including the United States any other governmental instrumentality or agency (to the extent permitted by the eleventh amendment to the Constitution), who is alleged to be in violation of any provision of this Act or regulation issued under the authority thereof...."

As such HB 2109 is consistent with this and other federal environmental statutes.

Hawaii's endangered species deserve special consideration due to the unique and fragile island ecosystems found here. Tough legislation and public participation is a requirement to stem the destruction of more of our resources. As of 1988, there were 761 candidates for the Endangered Species List which are found on the U.S. Mainland, including Alaska, representing 3.8 percent of the estimated total number of species. By contrast, Hawaii hosts 639 candidates, representing 29 percent of our native flora and fauna. Within the past 200 years, 100 species, or 50 percent of the total on the Mainland have become extinct. During the same period, 295 species from Hawaii, constituting 11.6 percent of our total, have been lost. HB 2109 provides for some of that tougher legislation and thus should be passed into law.